72-518

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MICHAEL RODAK, JR., CLERK

IN THE SUPREME COURT OF THE
UNITED STATES
NO. _____, OCTOBER TERM, 1972

72-518

CHARLES F. ATWELL,
Petitioner, Plaintiff

v.

GAY S. HARDY, FRANK J. KELLEY, and
DONALD L. REISIG,
Respondents, Defendants.

PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF
APPEALS FOR THE SIXTH CIRCUIT

Charles F. Atwell,
pro se
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Detroit, Michigan 48224
Phone: (313) 886-4010

IN THE SUPREME COURT OF THE UNITED STATES

NO._____, OCTOBER TERM, 1972

CHARLES F. ATWELL, D.C.
Petitioner, Plaintiff,

v.

GAY S. HARDY, FRANK J. KELLEY, and DONALD L. REISIG,
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PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

1. OPINIONS FOR WHICH CERTIORARI IS REQUESTED

Petitioner Appellant Plaintiff Charles F. Atwell, D.C., petitions this Court for the Writ of Certiorari to the United States Court of Appeals for the Sixth Circuit on its Order unreported, dismissing, without hearing, the Appeal of the Order of the United States District Court for the Eastern District of Michigan in the above-entitled cause, Document No. 1, Record Appendix, and the Order of June 23, 1972, Document No. 2, Record Appendix, denying without hearing the Petition for Rehearing.

2. JURISDICTIONAL GROUNDS

a. On June 23, 1972, the decree of the United States Court of Appeals for the Sixth Circuit, for which review is sought, was made and entered.

b. The Order of the United States Court of Appeals denying a rehearing was entered on June 23, 1972.

c. Title 28, U.S.C., Sec. 1254 is believed to confer on this Court jurisdiction to review the decree in question by writ of certiorari.

3. QUESTIONS PRESENTED FOR REVIEW

A. DOES A STATE JUDGE LOSE JURISDICTION, AND IMMUNITY FROM SUIT UNDER 42 USC Sec. 1983 IF HE CONDUCTS A CRIMINAL OR QUASI CRIMINAL HEARING ON AN ALLEGED OFFENSE WHICH TOOK PLACE OUTSIDE THE STATE JUDGE'S JUDICIAL DISTRICT BOUNDARIES PREVIOUSLY ASCERTAINED BY LAW?

B. CAN A DEFENDANT BE TRIED AGAIN IN A STATE ACTION IN WHICH HIS LIBERTY TO EARN A LIVING AND PROPERTY HAVE BEEN TWICE PREVIOUSLY IN JEOPARDY?

C. ARE THE RIGHTS TO BE FREE FROM MULTIPLE JEOPARDY ON THE SAME FACTS AND LAWS AND TO BE TRIED IN THE "DISTRICT PREVIOUSLY ASCERTAINED BY LAW" SUBSTANTIAL AND WORTHY OF A HEARING?

D. IS THE COMPLAINT IN THE INSTANT CAUSE, FILED BY A PRO SE LITIGANT UNDER THE CIVIL RIGHTS ACT OF 1871 (42 USC Sec. 1983), AND RAISING THE ISSUES OF TRIPLE JEOPARDY AND TRIAL OUTSIDE "THE DISTRICT PREVIOUSLY ASCERTAINED BY LAW," ENTITLED TO BE READ

LESS CRITICALLY THAN THE PLEADINGS OF EXPERIENCED ATTORNEYS?

4. CONSTITUTIONAL PROVISIONS AND STATUTES INVOLVED

A. The Constitution of the United States

1. Amendment V. Double Jeopardy.

"*** nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; *** "

2. Amendment VI. Jury Trial for Crimes, and Procedural Rights

"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, *** "

B. Title 42, United States Code, Section 1983:

"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

C. MICHIGAN STATES STATUTES

Chiropractic Act: P.A. No. 145 of 1933 and amended No. 227 of 1968, Sec. 6(h).

Physical Therapy: P.A. No. 164 of 1965 and as amended, Sec. 17.

5. STATEMENT OF THE CASE

A. On November 9, 1959, Petitioner Appellant Plaintiff Charles Atwell, D.C., hereinafter known as "Atwell", after a hearing on the merits subsequent to proper and legal notice to all interested parties, including the State of Michigan, was awarded a permanent injunction against the Chiropractic Licensing Board of the State of Michigan by the Wayne County Circuit Court, enjoining the Board from preventing his advertising as a physiotherapist. See Document 3, Record Appendix.

B. On July 29, 1969, a "mandatory injunction" was issued in favor of Atwell against the Michigan Bell Telephone Company after a hearing on the merits, subsequent to proper and legal notice to all interested parties, by the Honorable Thomas Roumell of the Wayne County Circuit Court, requiring the telephone company to accept Atwell's advertisements of his physiotherapy activities. See Document 4, Record Appendix.

C. On February 19, 1971, Respondents Appellees Defendants Assistant Attorney General of Michigan, Hardy and Michigan Attorney General Kelley, hereinafter known as "defendants Hardy and Kelley," ignoring the decress ordered in Atwell's

favor after hearings on the merits, with notice to all parties, on the same grounds and law, and ignoring the Fifth Amendment protection of venue or vicinage, caused a "Complaint for Injunctive Relief, File No. 12834-C to be brought against Atwell in the Court of the Honorable Donald Reisig, Circuit Judge, in the Ingham County Circuit Court. See Document 5, Record Appendix. A temporary restraining order was issued against Atwell, who had not received adequate notice and who was unable to obtain adequate competent counsel to defend his liberties and rights in a jurisdiction one hundred miles from his home District, where the allegedly offensive advertising was distributed in a telephone "Yellow Pages."

D. The actions of defendants Hardy, Kelley and Reisig tend to deny Atwell the basic right to earn his living by practicing and advertising his practicing of physiotherapy and other elements of chiropractic, which elements Atwell had been practicing and advertising legally as a dully-licensed and qualified chiropractic practitioner since 1940. Atwell was caused great mental pain and anguish; his interest and activity in his work was chilled; he expended large sums of money to travel to far-off Ingham County and lost much time from his work; and was forced to hire counsel at great cost for services and expenses to attend and argue the matters in Ingham County.

E. On July 1, 1971, Atwell filed the instant Complaint (see Document 6, Record Appendix), invoking federal jurisdiction under 42 USC Sec. 1983, in the U.S. Court of Appeals for the Sixth Circuit, and on May 23, 1972, the Complaint was dismissed without a hearing on the merits, and Atwell filed a notice of Appeal, which appeal was dismissed, See Document 7,

Record Appendix, without a hearing, on the grounds that the appeal was "unsubstantial," and the petition for rehearing was denied on June 23, 1972.

6. ARGUMENT

A. DOES A STATE JUDGE LOSE JURISDICTION, AND IMMUNITY FROM SUIT UNDER 42 USC Sec. 1983, IF HE CONDUCTS A CRIMINAL OR QUASI CRIMINAL HEARING ON AN ALLEGED OFFENSE WHICH TOOK PLACE OUTSIDE THE STATE JUDGE'S JUDICIAL DISTRICT BOUNDARIES PREVIOUSLY ASCERTAINED BY LAW?

This Court has ruled affirmatively on this question, while the Eastern District of Michigan and the Court of Appeals for the Sixth Circuit have, in effect, by ruling without hearing on the merits that the question is "unsubstantial" and dismissing the Complaint and the Petition for Rehearing, held that the answer is in the negative.

To deny Atwell his right to be tried in his own district is to deny the very purpose of the Amendment clause. The Courts of Appeals have put it this way:

> "One, although by no means the only, purpose of insistence on trial in vicinage in this amendment must have been to entitle defendant to trial where he is known. U.S. ex rel. Owen v. McMann, C.A.N.Y. 1970, 435 F.2d 813, certiorari denied 91 S.Ct. 1373, 402 U.S. 906, 28 L.Ed. 2d 646.

"Venue is important as guarantee of defendant's right to be tried in vicinity of his criminal activity and to prevent government from choosing favorable tribunal or one which may unduly inconvenient for the defendant. U.S. v. Rivera, C.A.N.Y. 1968, 388 F.2d 545, certiorari denied 88 S.Ct. 2308, 392 U.S. 937, 20 L.Ed.2d 1396.

"It is manifestly the purpose of this amendment, among other things, to preserve to the accused in all criminal prosecutions the right to a speedy and public trial by an impartial jury in the state and district wherein the crime has been committed. West v. Gammon, C.C.A.Tenn. 1899, 98 F. 426."

It is obvious that the State of Michigan has chosen a tribunal where Atwell is now known, in violation of the rule in U.S. ex rel Owens v. McMann, supra, a favorable tribunal which is unduly inconvenient for Atwell, a 65-year old man with a number of patients requiring his massages, heat treatments, saunas, etc. in violation of the rule in the Rivera case, and to violate Atwell's right to a speedy and public trial by an impartial jury in the district wherein the alleged offense has been committed as delineated in West v. Gammon, Supra.

This Court has ruled in the affirmative on the matter of venue or vicinage many times, as follows:

"The determination of proper venue in a criminal case requires determination of where the crime

was committed; the provision of this amendment for trial in vicinity of crime is safeguard against unfairness and hardship involved when accused is prosecuted in remote place. Platt v. Minnesota Min. & Mfg. Co. Ill. 1964, 84 S.Ct. 769, 376 U.S. 240, 11 L.Ed.2d 674.

"Requirement of this amendment as to venue relates to locality of offense and not personal presence of offender. Travis v. U.S., Colo. 1961, 81 S.Ct. 358, 364 U.S. 631, 5 L.Ed. 2d 340.

"Public policy, embodied in Art. 3 and this Amendment, fixes situs of trial in vicinage of crime rather than at residence of accused; and variation from that rule for convenience of prosecution or accused is not justified. Johnston v. U.S., Kan. & Pa. 1956, 76 S.Ct. 739, 351 U.S. 215, 100 L.Ed. 1097, rehearing denied 77 S.Ct.23, 2 mems., 352 U.S. 860, 1 L.Ed. 2d 69.

and including:

"U.S. ex rel Hetenyi v. Wilkins 348 F.2d 844, certiorari denied.

Norkett v. Stallings, D.C.N.C. 1966, 251 F.Supp. 662

Howard v. U.S. 32 F.2d 294, certiorari denied.

U.S. v. H.E.Koontz Creamery, Inc. 257 F. Supp. 295.

U.S. v. Farwell, 76 F. Supp. 35.

Berkowitz v. U.S., C.C.A. Pa., 1899, 93 F.452
U.S. v. Armco Steel Corp., 255 F. Supp 364
U.S. v. Cowart, 118 F. Supp. 903
U.S. v. Bridges, 86 F. Supp. 922
Bens v. U.S., 266 F. 152, certiorari denied
Black v. Peyton, 292 F. Supp. 45
Beacham v. U.S., 218 F2d 528
U.S. v. Saccin Rouhand Farhat, 269 F. 33.

If the state trial judge does not have jurisdiction, because he presides in a state judicial district other than the "district wherein the crime shall have been committed, which district shall have been previously ascertained by law," he loses immunity from suit under this Court's ruling in Pierson v. Ray, Ray v. Pierson, 87 S. Ct. 1213. He did not have jurisdiction over the person of Atwell or the alleged crime, for whatever Atwell did, he did approximately one hundred miles from the border of Ingham County.

B. CAN A DEFENDANT BE TRIED AGAIN IN A STATE ACTION IN WHICH HIS LIBERTY TO EARN A LIVING AND HIS PROPERTY HAVE BEEN TWICE PREVIOUSLY IN JEOPARDY?

This Court has ruled in the negative on this question in supporting the Fifth Amendment ban on double (or multiple) jeopardy. Atwell stood in jeopardy twice before, in 1959 and 1969, of losing his right to advertise his services and thus earn payment for these services and "put food on the table," a right or liberty protected by this Court in Sniadach v. Family Finance Corp., 89 S. Ct. 1820.

This Court has also ruled against double jeopardy many times, as follows:

"It is very clearly the spirit of this clause to prevent a second punishment under judicial proceedings for the same crime, so far as the common law gave that protection. Ex parte Lange, N.Y., 1874, 85 U.S. 170, 18 Wall. 1970, 21 L.Ed. 872.

"In applying a provision like that of double jeopardy, which is rooted in history and is not an evolving concept like that of due process, a long course of adjudication in the Supreme Court carries impressive authority. Gore v. U.S. App. D.C. 1958, 78 S.Ct. 1280, 375 U.S. 386, 2 L.Ed.2d 1405, rehearing denied 78 S.Ct. 13, 358 U.S. 858, 3 L.Ed.92.

"Purpose of this clause is to protect a man who has been acquitted from having to run the gantlet a second time. Ashe v. Swenson, Mo. 1970, 90 S.Ct. 1189, 397 U.S. 436, 25 L.Ed. 2d 469.

and in other cases including:

Holdridge v. U.S. 282 F.2d 302
Talbott v. U.S. ex rel Toth, 215 F.24 22
Price v. U.S., 68 F. 2d 133, certiorari denied
U.S. v. Raff, 161 F. Supp. 276.
U.S. v. Boraw, 101 F.Supp. 211
U.S. v. Bink, 74 F.Supp. 603
U.S. v. Parker, D.C.N.J. 1937, 19 F.Supp. 450
West v. Gammon, 98 F.426
U.S. v. Gross, 276, F 2d 816
U.S. v. Jones, 174 F.2d 746
Dean v. U.S. 246 F.2d 335

U.S. v. Gillette, 189 F.2d 449, certiorari denied
U.S. v. Karavias, 170 F.2d 968
Kott v. U.S., 163 F.2d 984, certiorari denied
Bratton v. U.S., 73 F.2d 795
Moran v. U.S., 264 F.768
U.S. v. Leikoff, 113 F. Supp. 551
Gates v. U.S., 122 F.2d 571, certiorari denied
Lafoon v. U.S., 250 F.2d 958
Earnest v. U.S., 198 F.2d 561
U.S. v. Gallagher, 183 F.2d 342
Levine v. U.S., 182 F.2d 566, certiorari denied
U.S. v. Bushwick Mills, 165 F.2d 198
U.S. v. Zeuli, 137 F.2d 845
U.S. v. Parr, 17 F.R.D.512.
Kisner v. State, 122 A.2d 102
State v. Black, 282 P.228
11 Op. Atty. Gen. 412.
Weinberg v. U.S.
McNealy v. Johnston, 100 F.2d 280
Mizell v. Peuschel, 116 F.642
U.S. v. Hoover, 139 F.Supp. 895, affirmed 233 F.2d 870, certiorari denied
U.S. v. Katz, 78 F.Supp. 21
U.S. v. Beaugh, 2F.2d 378
U.S. v. Mayer, 22 F.2d 827
U.S. v. Strewl, 99 F.2d 474, certiorari denied
U.S. v. Conrad, 59 F.458
U.S. v. Newark Meadows Imp.Co., 173 F.426
McBoyle v. U.S., 43 F.2d 273
U.S. v. Sherman Auto Corp., 1962 F.2d 564
Ex parte Lair, 177 F.789
U.S. v. Capella, 169 F.890

U.S. v. Anderson, 60 F. Supp. 649
Cooper v. U.S., 91 F2d 195

C. ARE THE RIGHTS TO BE FREE FROM MULTIPLE JEOPARDY IN THE SAME FACTS AND LAWS AND TO BE TRIED IN THE "DISTRICT PREVIOUSLY ASCERTAINED BY LAW" SUBSTANTIAL AND WORTHY OF A HEARING?

This Court and lower Federal Courts have ruled in the affirmative on this question, as follows:

> "Like right to trial by jury, guarantee against double jeopardy is fundamental to American scheme of justice. Beaton v. Maryland, 1969, 89 S.Ct. 2056, U.S. 784, 23 L.Ed.2d 707, on remand 260 A.2d 86, 8-Md.App. 388.
>
> "Correct venue in criminal cases is a matter of constitutional right and questions of venue are not merely matter of formal legal procedure but raise deep issues of public policy. Holdridge v. U.S., C.A. Nev. 1960, 282 F. 2d. 302.
>
> "Venue in criminal cases involves far more than mere procedural niceties and is matter of constitutional import. U.S. v. Partin, D.C. La. 1970, 320 F. Supp. 275.

D. IS THE COMPLAINT IN THE INSTANT CAUSE, FILED BY A PRO SE LITIGANT UNDER THE CIVIL RIGHTS ACT OF 1871 (42 USC Sec. 1983) AND RAISING THE ISSUES OF TRIPLE JEOPARDY AND

TRIAL OUTSIDE THE DISTRICT PREVIOUSLY ASCERTAINED BY LAW" ENTITLED TO BE READ LESS CRITICALLY THAN THE PLEADINGS OF EXPERIENCED ATTORNEYS?

This Court has humanely and justly ruled in the affirmative on this question also, in Haines v. Kerner, 92 S. Ct. 594. The court below, in Puckett v. Cox, 456 F.2d 233, and the Court of Appeals for the 3rd Circuit in Picking v. Penna. Railway, 151 F.2d 240, 240, have ruled that pro se pleadings in civil rights litigation, should be considered without regard to technicality. The same consideration should have been given Atwell by the 6th Circuit panel as was given Puckett. In a "hearing on the merits" many facts can be brought out which will help resolve the Constitutional issues of the case; complex civil rights issues should be considered with a complete record and thorough airing of the facts, Picking v. Penna. Railway, supra.

7. CONCLUSION

The facts show that Atwell's liberty was jeopardized twice previously, that a punitive action was brought against him outside the Michigan district in which the alleged offenses took place, that he was thus denied two fundamental important Constitutional protections, so he should be allowed to pursue his remedy in the U. S. District Court as best he can.

By the Petitioner,

Charles F. Atwell

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Phone: (313) 886-4010

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Supreme Court, U. S.
F I L E D
OCT 14 1972
MICHAEL RODAK, JR., CLERK

IN THE SUPREME COURT OF THE UNITED STATES

NO. 72-518, OCTOBER TERM, 1972

CHARLES F. ATWELL,
Petitioner, Plaintiff,

v.

GAY S. HARDY, FRANK J. KELLEY, and
DONALD L. REISIG,
Respondents, Defendants.

RECORD APPENDIX AND CORRECTIONS TO No. 72-518 WRIT OF CERTIORARI

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NO. 72-518, OCTOBER TERM, 1972

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GAY S. HARDY, FRANK J. KELLEY, and
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I.

RECORD APPENDIX

Document No. 1. May 26, 1972. Dismissal without hearing ".... the Court has fully considered the petition for hearing in this action and is of the opinion that it is unsubstantial...."

Document No. 2. June 23, 1972. Denying without hearing the Petition for Rehearing. "....The Court has fully considered the Petition for rehearing in this action and is of the opinion that it is without merit. It is therefore ORDERED that the petition for rehearing be and the same is hereby denied...."

Document No. 3. On November 9, 1959, injunction was granted Charles F. Atwell against the Chiropractic Board of Examiners. "....Defendants to be relieved touching the matter therein complained of, in which bill it is stated amongst other things, that you are combining and confederating with others to injure the said complainant touching the matters set forth in the

said bill and that your actions and doings in the premises are contrary to equity and good conscience; we therefore in consideration thereof, and of the particular matters in the said bill set forth, do strictly command you, the said *** Michigan State Board of Chiropractic Examiners --- and the persons before mentioned, and each and every one of you, under penalty of Ten Thousand Dollars to be levied on your lands, goods and chattels, to our use, that you do absolutely desist and refrain from prosecuting or proceeding with and hearing for the purpose of suspending or revoking the chiropractic license of Plaintiff on the charges made and as set forth in the exhibits attached to the Bill of Complaint. Frank B. Ferguson Signed.

And issued by Judge Frank B. Ferguson in the Circuit Court for Wayne County, Michigan

Document No. 4. On April 29, 1969. MANDATORY INJUNCTION "*** It is ordered and adjudged that the Defendant. Michigan Bell Telephone Company, shall be and hereby is ordered to place the Plaintiff's advertisement in the Detroit Classified Telephone Directory under the heading "Physical Therapist."

IT IS FURTHER ORDERED AND ADJUDGED that this Order shall remain in full force and effect until the further order of the Court. Signed Thomas Roumell, Circuit Court Judge.

Document No. 5. On February 19, 1971, Respondents, Appellees Defendants Hardy and Kelley:

caused a "VERIFIED COMPLAINT FOR INJUNCTION RELIEF," File No. 12834-C to be brought against Atwell in the Court of the Honorable Donald Reisig, Circuit Judge, in the Ingham County Circuit Court.

> "***A. That the Defendant, Charles F. Atwell, D.C. (Doctor of Chiropractic) is a resident of Detroit, in Wayne County, Michigan and operates the Atwell Zone Physiotherapy and Massage System at 15412 East Warren, Detroit, Michigan."
>
> B. That, while defendant is currently licensed by the Board of Chiropractic Examiners to Practice Chiropractic in the State of Michigan, he is not registered as a physical therapist under the physical therapy statute, Act 164, PA. 1965, and is therefore prohibited by 15 of said Act from using in connection with his name the words: "Physical therapist, physiotherapist, registered physical therapist, licensed physical therapist, physical therapy technician, P.T., R.P.T., L.P.T., P.T.T. or any other letters, words or insignia indicating or implying that he is a physical therapist, or who in any way, orally, in print, by sign, directly or by implication, represents himself as a physical therapist,...."
>
> C. The defendant has advertised as follows: "ATWELL ZONE PHYSIOTHERAPY and MASSAGE SYSTEM." (since 1942) now at

15412 E. Warren, Detroit, Michigan in the Detroit and suburban's Michigan Bell Telephone yellow pages directory...."

D. That defendant admits that he has advertised under Physiotherapy, Massage, Chiropractic and Baths, under these headings in the Michigan Bell Telephone Company yellow pages for the past 30 years.

E. That defendant denies advertising as a physical therapist under Act 164 of 1965.

F. That defendant denies that his advertising is deceptive and misleading, charged by the plaintiff to be violating Section 7(2) of Act 241, PA 1966, MCLA No. 445.801 et seq; MSA No. 19853 (1), the deceptive advertising Act.

G. That on February 17, 1971, Atwell received an "*** order to Cease and Desist placing before the public any advertisement which contains any statement or representation that you are a physical therapist or physiotherapist, and that you take immediate action to prevent the publication in the Michigan Bell Telephone Company yellow pages from listing the Atwell Zone Physiotherapy System,***"

H. On or about February 20, 1971, Atwell received Docket No. 12824-C, ORDER TO SHOW CAUSE AND RESTRAINING ORDER.

I. That this Restraining Order was without notice or hearing in absentee.

J. That on May 21, 1971, ORDER GRANTING PRELIMINARY INJUNCTION.

> "*** It is ordered that said Motion be the same hereby is granted, and that during the pendency of this action and until the further order of the Court, the defendant be and hereby is restrained and enjoined from using in connection with his name the words or letters 'Physical Therapist, Physiotherapist, registered physical therapist, licensed physical therapist, physical therapy technician, P.T., R.P.T., L.P.T., P.T.T.,' or any other letters, words or insignia indicating or implying that he is a physical therapist. The defendant is further restrained and enjoined from indicating or implying in any other way, orally, in print, by sign, directly or by implication, that he is a physical therapist."

Note: This injunction was granted, disregarding two previous injunctions to the contrary granted in Wayne County Circuit Courts, and disregarding the license by the State to practice and advertising physiotherapy under the Chiropractic Act 145 of 1933. *** defined as "the locating of misaligned or displaced vertebrae of the human spine, the procedure preparatory to,***".

Document No. 6. "*** and on May 23, 1972 'The Court has fully considered the petition for hearing

in the action and is of the opinion that it is unsubstantial***"

Document No. 7. *** and on June 23, 1972, "the Court has fully considered the petition for rehearing in this action and is of the opinion that it is without merit. It is therefore ORDERED that the petition for rehearing be and the same is hereby denied."

CORRECTIONS FOR CASE

No. 72-518 WRIT OF CERTIORARI

Page 1, No. 2, Line 1, should read "May 23, 1972."

Page 4, C. should read "MICHIGAN STATE'S STATUTES.
Chiropractic Act P.A. No. 145 of 1933.

Sec. 6. "*** The locating of misaligned or displaced vertebrae of the human spine, the procedure preparatory to" ***("the procedure preparatory to"), (is meant physiotherapy).

Sec. 6 (h) "For being guilty of false, fraudulent or misleading advertising or advertising in which grossly improbably statements are made;***"

Physical therapy P.A. 1964 of 1965 and as amended

Sec. 17 "Nothing in this Act shall restrict, limit, or prohibit any person the use of devices or

procedures included in Section 1(a) of this Act., as preparatory or pertinent to the exclusive practice of the profession for which he is licensed by the State***"

Page 5. E. Line 3, beginning should read: "in the UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION."

Page 7, paragraph 3, line 2, should read "*** Atwell is not known,***"

BY Charles F ATWELL

CERTIFICATE OF SERVICE

I, Charles F. Atwell, certify that I have mailed first class, two copies of the RECORD APPENDIX and corrections for Case No. 72-518 of the WRIT of CERTIORARI to the Defendants in Lansing, Michigan, this date October 11,1972.

Charles F. Atwell

Charles F. Atwell